



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 24908N

DATE: May 15, 2002

RESPONSE REQUIRED BY: June 15, 2002

Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Mark D'Avignon Phone: (415) 977-8507/E-mail: mdavignon@spd.usace.army.mil

**1. INTRODUCTION:** Mr. Dan Nicolaus, Citation Northern, Inc., 597 Center Avenue, Suite 150, Martinez, California 94553 (telephone: 925-372-0300) has applied for a Department of the Army permit to place 2,850 cubic yards of fill material into a total of 0.72 acre of waters of the U.S. in association with the construction of the proposed Upper Mangels Ranch housing development project. The proposed project site is located in the City of Fairfield in Solano County, California about a mile northeast of the Highway 80/680 interchange at Cordelia. The site is at the terminus of Oakwood Drive, immediately north of West America Drive, northwest from the junction of Suisun Valley Road and Mangels Boulevard. The site is located in section 31, Range 2 West, Township 5 North on the Cordelia 7.5 minute USGS topographic map and consists of APN 27-240-120 and a portion of APNs 27-090-11 and 13. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to construct sixty (60) new homes on approximately 33.6 acres in the City of Fairfield. The proposed project would result in the filling of 0.66 acre of wetlands and 0.06 acre (2250 lineal feet) of a partially man-made intermittent drainage channel which runs through the center of the site.

The proposed project site is located in a rectangular valley oriented on a north-south axis. The valley was occupied by a small dam and reservoir from about 1950 to the mid-1970s. The site is currently used as a pasture and rangeland. The valley floor is primarily non-native grassland and the surrounding hillsides contain native stands of oak

woodlands and grasslands. The valley drains through a narrow canyon before entering the site. The drainage channel with runs through the site was created in order to improve drainage after removal of the dam and reservoir. The channel averages about 2 feet in width and 1 to 2 feet in depth and terminates in a small basin at the southern boundary of the site. From there the drainage flows through a series of ditches and culverts and eventually empties into Green Valley Creek about 1.25 miles downstream of the proposed project site.

The seasonal wetlands on the site are contain plants such as semaphore grass (*Pleuropogon californicus*), spikerush (*Eleocharis macrostachya*), hyssop loosestrife (*Lythrum hyssopifolia*), umbrella sedge (*Cyperus eragrostis*), rabbitfoot grass (*Polypogon monspeliensis*), Italian ryegrass (*Lolium multiflorum*), and pennyroyal (*Mentha puligeum*). Many of these plants occur in the drainage channel as well, however, some sections of the channel are devoid of vegetation.

The proposed mitigation and monitoring plan would result in the restoration of 0.37 acre of riparian woodland (6:1 compensation ratio), 0.86 acre of seasonal marsh (1.15:1 compensation ratio), and 1.45 acre of native oak woodland for a total of 2.83 acres of habitat. The mitigation plan would include riparian and wetland restoration in Area B onsite, riparian restoration in Area C onsite, and wetland and riparian restoration in Area D located offsite but in the same watershed in nearby Green Valley Creek (See the attached drawings.).

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water

quality certification or waiver before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the Regional Water Quality Board within 30 days of the date of this public notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

**4. ENDANGERED SPECIES:** No impacts to any federally listed threatened and endangered species have been indicated at this time. However, should such an impact be identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

**5. HISTORIC AND CULTURAL RESOURCES:** A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation

Officer to take into account any project effects on such properties.

**6. EVALUATION OF ALTERNATIVES:** Evaluation of this proposed project's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404 (b) (1) of the Clean Water Act (33 U.S.C. 1344(b)).

**7. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**8. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to

consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**9. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include

the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Mark D'Avignon at telephone 415-977-8507 or E-mail: mdavignon@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.